

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Office Action Rejections Summary

Claim 5 has been rejected under 35 U.S.C. §112, second paragraph.

Claims 1-2, 4-5, 9, 12-14 and 27-30 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,571,473 of Fujii (“Fujii”).

Claims 27-30 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,482,279 of Nakano et al. (“Nakano”).

Claims 1-2, 4-5, 8-10 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of U.S. Publication No. 2004/0238972 of Ho (“Ho”).

Claims 3 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Patent No. 6,482,742 of Chou (“Chou”).

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Patent No. 5,888,433 of Amo (“Amo”).

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Patent No. 6,793,476 of Bryja et al. (“Bryja”).

Claims 12-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Publication No. 2003/0030188 of Spengler (“Spengler”).

Status of Claims

Claims 1-14 and 27-30 are pending in the application. Claims 1, 5 and 27 have been amended to more properly define preexisting claim limitations. The amended

claims are supported by the specification. No claims have been added. No new matter has been added. No claims have been canceled.

Claim Rejections

Claim 5 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is submitted that the amendment to claim 5 overcomes the rejection.

Claims 1-2, 4-5, 9, 12-14 and 27-30 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,571,473 of Fujii ("Fujii"). In regards to claims 1-2, 4-5, 9 and 12-14, it is submitted that claim 1 has been amended to recite a heater to pre-heat an **entire** embossable film. (emphasis added). In contrast, Fujii only discloses or teaches a system that is capable of heating a portion of a thermoplastic resin sheet. Therefore, it is submitted that Fujii does not anticipate claim 1, or its dependent claims 2, 4-5, 9 and 12-14. For similar reasons, it is submitted that claims 27-30 are patentable over Fujii.

Claims 27-30 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,482,279 of Nakano et al. ("Nakano"). In particular, the Office Action states:

Nakano, et al. teach an assembly comprising: **means for pre-heating an embossable film** disposed above a substrate to an approximate embossing temperature (column 8, lines 15-18); and means for transporting the substrate to an imprinting die assembly, having an embossing foil, while maintaining the approximate embossing temperature (column 2, lines 45-65; column 6, lines 32-50; column 8, lines 20-40); wherein there are means for centering the substrate relative to an embossing foil disposed within the imprinting die set (column 7, lines 25-40); wherein there are

means for inspecting an embossed pattern on the embossable film (column 10, lines 50-65); wherein there are means for cooling the substrate (column 6, lines 60-65; column 8, lines 30-40).

(Office Action, 2/8/07, p. 4)(emphasis added)

Applicant respectfully disagrees with the Office Action's characterization of Nakano. It is submitted that Nakano does not disclose the pre-heating, or embossing, of an embossable film disposed above a substrate. Nakano only discloses the *stamping* of a substrate (e.g., in the manufacture of CD, DVD, etc.). In addition, it is submitted that the heating system disclosed in Nakano, utilizing ultrasonic waves, does not heat the entire substrate but, rather, only the surface of the substrate. More specifically, in its Summary of Invention section, Nakano states "the temperature of the whole substrate has not risen, but only a part of the substrate has a high temperature." (Nakano, col. 2, lines 60-63).

In contrast, claim 27 includes the limitation of "means for **pre-heating an entire substrate and an entire embossable film**, disposed above the substrate, to an approximate embossing temperature." (emphasis added). Therefore, it is submitted that claim 27, and its dependent claims 28-30, are patentable over Nakano.

Claims 1-2, 4-5, 8-10 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of U.S. Publication No. 2004/0238972 of Ho ("Ho"). As noted above, Nakano does not teach or suggest a system that pre-heats an embossable film, let alone, an entire substrate. More specifically, Nakano teaches a method that uses ultrasonic waves to vibrate the stamper/substrate and, thereby, cause friction on the contact surface creating "friction heat" such that only the surface of the substrate is heated. Nakano teaches that by not heating the entire substrate, transcription is carried out without any thermal deformation or any generation of internal stress that would cause

deformation. (Nakano, col. 2, lines 62-65). Accordingly, Nakano teaches away from the asserted combination to arrive at applicant's claim 1 limitations.

In addition, Nakano states in col. 3, lines 7-20, that its system raises the temperature of "only" the contact surface layer of the substrate with stamper and "saves time for a cooling process of the substrate." Therefore, one of ordinary skill in the art would not be motivated to combine the teachings of a heater tunnel of Ho with the system of Nakano because such would result in heating more than "only the contact surface layer of the substrate" of Nakano and require more subsequent cooling time, which would be against the express teachings of Nakano.

Accordingly, it is submitted that claim 1, and its dependent claims 2, 4-5, 8-10 and 14, are patentable over the cited references.

Claims 3 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Patent No. 6,482,742 of Chou ("Chou"). It is submitted that Chou fails to cure the deficiencies of Nakano and Ho noted above in regards to claim 1 on which claims 3 and 11 depend. Therefore, claims 3 and 11 are patentable over the cited references.

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Patent No. 5,888,433 of Amo ("Amo"). It is submitted that Amo fails to cure the deficiencies of Nakano and Ho noted above in regards to claim 1 on which claim 6 depends. Therefore, claim 6 is patentable over the cited references.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Patent No. 6,793,476 of Bryja et al.

("Bryja"). It is submitted that Bryja fails to cure the deficiencies of Nakano and Ho noted above in regards to claim 1 on which claim 7 depends. Therefore, claim 7 is patentable over the cited references.

Claims 12-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nakano in view of Ho and further in view of U.S. Publication No. 2003/0030188 of Spengler ("Spengler"). It is submitted that Spengler fails to cure the deficiencies of Nakano and Ho noted above in regards to claim 1 on which claims 12-13 depend. Therefore, claims 12-13 are patentable over the cited references.

In conclusion, applicants respectfully submit that in view of the arguments and amendments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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